

REMARKS

Claims 1-14 are pending. By this Amendment, claims 1-7 and 10-14 are amended.

Applicant appreciates the courtesies extended by Examiners Denion and Edwards to Applicant's representative during the April 12, 2006 personal interview. The personal interview is summarized below and thus constitutes Applicant's record of the interview.

Claims 1-13 were rejected under 35 U.S.C. §103(a) over Kato et al. (Kato), U.S. Patent No. 5,852,929, in view of EP 1 293 648 (EP '648). The rejection is respectfully traversed.

Kato and EP '648 fail to disclose or suggest a failure diagnosis apparatus with a failure diagnosing device that diagnoses a failure based on a pressure and pressure pulsation detected by a pressure sensor, wherein the failure diagnosing device varies a determination threshold for detecting presence or absence of pressure pulsation according to the pressure in a secondary air supplier, as recited in claim 1 and as similarly recited in claim 5.

As admitted on page 3 of the Office Action, Kato fails to provide any disclosure with regard to varying a determination threshold as recited in claims 1 and 5. EP '648 fails to overcome the deficiencies of Kato.

EP '648 discloses a secondary air supply apparatus with a pressure sensor disposed in a secondary air supply passage, and an abnormality detecting portion that detects an abnormality of a component element based on a pressure value detected by a pressure sensor and a pressure variation value (paragraph [0007]). It is thus possible to detect an abnormality of a check valve based on a pressure variation value and a pressure value detected by a pressure sensor while an opening-closing means is in a closure control state (paragraph [0017]). Although EP '648 discloses detecting a pressure variation value and a pressure value, EP '648 fails to provide any disclosure with regard to using a determination threshold or varying a determination threshold for detecting the presence or absence of pressure

pulsation according to a pressure in the secondary air supplier. Accordingly, EP '648 suffers problems as identified in paragraph [0004] of Applicant's specification.

In EP '648, after set predetermined conditions have been established, the supply control device 10 starts a first pressure behavior determination (Fig. 4, step S10, paragraph [0033]). During the first pressure behavior determination, EP'648 inputs pressure values and calculates a mean pressure value Pm and an amplitude value Pa (Fig. 5, steps S100-S104 and paragraph [0034]). EP '648 then compares the calculated values Pm, Pa to preset threshold values Pa0, P0 (Fig. 5, steps S106, S108, paragraph [0035]). EP '648 uses the same process and values in a second pressure behavior determination (Fig. 4, step S20, Fig. 6, steps S200-S208, paragraph [0043]).

EP '648 fails to provide any disclosure or suggestion with regard to using a determination threshold or identify the advantages of using a determination threshold as discussed in paragraph [0007] of Applicant's specification. EP'648 simply waits for an abnormality detecting condition to be met, detects pressure, and compares detected pressure to preset threshold values. Accordingly, EP '648 fails to provide any disclosure or suggestion with regard to varying a determination threshold for detecting presence or absence of pressure pulsation according to a pressure in the secondary air supplier, as recited in claim 1 and as similarly recited in claim 5.

It is respectfully requested that the rejection be withdrawn.

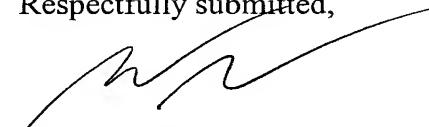
Claim 14 was rejected under 35 U.S.C. §103(a) over Kato in view of EP '648 and Cullen, U.S. Patent No. 5,832,721. The rejection is respectfully traversed.

Cullen fails to overcome the deficiencies of Kato and EP '648 in disclosing or suggesting all of the features recited in claim 5. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Date: April 24, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--